

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JEFF MILLS, individually and on behalf of
and all other similarly situated,

Plaintiffs,

v.

L&L ENERGY, INC., *et al.*,

Defendants.

No. C11-1423RSL

ORDER APPOINTING GREGG
IRVIN AS LEAD PLAINTIFF, ROSEN
LAW FIRM, P.A., AS LEAD COUNSEL,
AND SMITH & LOWNEY, PLLC, AS
LIAISON COUNSEL

This matter comes before the Court on the “Motion of Gregg Irvin for Appointment as Lead Plaintiff and Approval of Selection of Counsel.” Dkt. # 16. Four other plaintiffs’ groups, in addition to Mr. Irvin, also sought appointment as lead plaintiff pursuant to the Private Securities Litigation Reform Act of 1995 (“PLSRA”). Dkt. # 9, # 10, # 12, and # 14. The other applicants have apparently conceded that Mr. Irvin is the most capable of adequately representing the absent class members’ interests as required by 15 U.S.C. §§ 77z-1 and 78u-4.

Having reviewed the competing motions for appointment as lead plaintiff,¹ the Court finds as follows:

¹ This matter may be decided on the papers submitted. Plaintiffs’ requests for oral argument are DENIED.

(1) Every pleading filed in this action shall bear the following caption:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re L&L ENERGY, INC.
SECURITIES LITIGATION

No. C11-1423RSL

Counsel shall make efforts to identify any additional cases which might properly be consolidated as part of this action, whether the cases are currently pending before the Court or are later filed in or transferred to this district. If any other actions on behalf of a class asserting substantially the same claim or claims against L&L Energy, Inc., are identified, lead counsel shall notify the Court and serve a copy of this Order on the attorneys for plaintiff(s) and any new defendant(s) in the newly-identified case.

(2) Pursuant to 15 U.S.C. § 78u-4(a)(3)(A)(i), plaintiff in the action entitled Mills v. L&L Energy, Inc., et al., published a notice of pendency of the action to potential class members.

(3) Gregg Irvin filed a timely application to be appointed lead plaintiff. His alleged losses are approximately \$442,231, greater than the losses suffered by any of the other plaintiff groups.

(4) The Court finds that Gregg Irvin *prima facie* satisfies the typicality and adequacy requirements of Fed. R. Civ. P. 23.

(5) Gregg Irvin is hereby appointed as lead plaintiff in the above-captioned action.

(6) Lead plaintiff has selected The Rosen Law Firm, P.A., as lead counsel and Smith & Lowney, PLLC, as liaison counsel. Those selections are hereby approved.

(7) Lead counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom lead counsel shall designate:

- a. to avoid duplicative or unproductive activities throughout this litigation;
- b. to coordinate the briefing and argument of any and all motions;
- c. to coordinate the conduct of any and all discovery proceedings;
- d. to coordinate the examination of any and all witnesses in depositions;
- e. to coordinate the selection of counsel to act as spokesperson at all pretrial conferences and hearings;
- f. to call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;
- g. to serve as the contact between plaintiffs' counsel and defendants' counsel;
- h. to coordinate all settlement negotiations with counsel for defendants;
- i. to coordinate and direct the pretrial discovery proceedings, the preparation for trial, the trial, and the post-trial proceedings in this matter;
- j. to coordinate the preparation and filings of all pleadings; and
- k. to supervise all other matters concerning the prosecution or resolution of the consolidated actions.

(8) No motion, discovery request, or other pretrial proceedings shall be initiated or filed by any plaintiff without the approval of lead counsel, so as to prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of lead counsel.

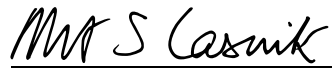
(9) Lead counsel shall be the contact between the Court and plaintiffs and their counsel.

(10) Lead counsel shall have the responsibility of receiving and disseminating Court orders and notices to plaintiffs who are not represented on the Court's docket.

For all of the foregoing reasons, the "Motion of Gregg Irvin for Appointment as Lead Plaintiff and Approval of Selection of Counsel" (Dkt. # 16) is GRANTED. The motions docketed at Dkt. # 9, # 10, # 12, and # 14 are DENIED. The Clerk of Court is directed to alter

1 the caption as described in paragraph (1) of this Order.

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3 Dated this 15th day of December, 2011.

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6 Robert S. Lasnik
United States District Judge
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